

2009 DRAFTING REQUEST

Bill

Received: **12/12/2008**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Miner**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Environment - air quality**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Miner, BB0259 -

Topic:

Asbestos inspection fee changes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	rkite 01/07/2009	kfollett 01/07/2009	rschluet 01/07/2009	_____	lparisi 01/07/2009		State
/2	rkite 01/20/2009	kfollett 01/20/2009	rschluet 01/20/2009	_____	mbarman 01/20/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: **12/12/2008**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Miner**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Environment - air quality**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Miner, BB0259 -

Topic:

Asbestos inspection fee changes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/1	rkite 01/07/2009	kfollett 01/07/2009	rschluet 01/07/2009		lparisi 01/07/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: **12/12/2008**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Miner**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Environment - air quality**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Miner, BB0259 -

Topic:

Asbestos inspection fee changes

Instructions:

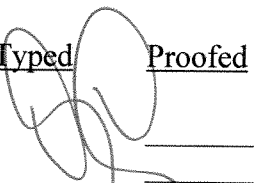
See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	rkite						
----	-------	--	--	--	--	--	--

11/5f
11/9


12

<END>

FE Sent For:

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Asbestos Inspection Fee Changes
- Tracking Code: BB0259
- SBO team: Agriculture, Environment and Justice
- SBO analyst: Andrew Miner AM
 - Phone: 266-1103
 - Email: andrew.miner@wisconsin.gov
- Agency acronym: DNR
- Agency number: 370
- Priority (Low, Medium, High): High

Intent: Make the boldfaced changes on the following page to the asbestos inspection fees under s.285.69 (3). See attached issue paper for background information (required statutory language changes are also summarized on page 2 of the paper).

Asbestos Statutory Language
285.69

(3) ASBESTOS INSPECTION FEES. (a) The department may promulgate rules for the payment and collection of fees for inspecting nonresidential asbestos demolition and renovation projects regulated by the department. The fees under this subsection for an inspection plus the fee under sub. (1) (c) may not exceed ~~\$400~~ **\$700** if the combined square and linear footage of friable asbestos-containing material involved in the project is less than 5,000. The fees under this subsection for an inspection plus the fee under sub. (1) (c) may not exceed ~~\$750~~ **\$1,325** if the combined square and linear footage of friable asbestos-containing material involved in the project is 5,000 or more. The fees collected under this subsection shall be credited to the appropriation under s. 20.370 (2) (bi) for the direct and indirect costs of conducting inspections of nonresidential asbestos demolition and renovation projects regulated by the department.

(b) In addition to the fees under par. (a), the department may charge the costs it incurs for laboratory testing for a nonresidential asbestos demolition and renovation project.

(c) In addition to the fees under par. (a), the department may charge a \$100 fee for revisions to previously approved notifications.

(d) In addition to the fees under par. (a), the department may charge a \$100 fee for costs it incurs for inspecting property proposed for community residential training burns.

(e) In addition to the fees under par. (a), the department may double the inspection fee for owners or operators that did not file any required asbestos notification with the Department and needs a notification for the demolition or renovation project.

(e) (f) For the purpose of par. (a), combined square and linear footage shall be determined by adding the number of square feet of friable asbestos-containing material on areas other than pipes to the number of linear feet of friable asbestos-containing material on pipes.

PROGRAM: AIR & WASTE PROGRAM

SUBPROGRAM: AIR MANAGEMENT

DECISION ITEM: Asbestos Fee Increase

	<u>2009-10</u>	<u>FTE</u>	<u>2010-11</u>	<u>FTE</u>
PR	\$		\$ 120,400	2.0
Federal	\$		\$ -120,400	- 2.0

Issue:

The Asbestos Program is funded by asbestos inspection and permit exemption review fees paid by persons who perform asbestos abatement as part of nonresidential demolition and certain renovation projects. In 2003, Wisconsin Act 33 created the last asbestos fee increase effective July 1, 2005. As a result, overall revenue increased approximately \$100,000 from 2002 levels but has never reached the estimated increases of \$185,000 per year. Fees generated have not kept pace with program costs. This has impacted the staff available for adequate field presence to inspect, respond to complaints and enforce; an adequate program requires one inspector in each DNR Region and the asbestos coordinator. Currently, the asbestos program funds 2.0 FTE. Fees also fund two half-time limited term employee (LTE) field inspection positions and previously one half-time LTE position that managed the asbestos notifications and the database. Fees funded six contracts with the following government agencies to perform inspections on behalf of the Department's Air Management Asbestos Program: City of Menasha; City of Milwaukee, City of Watertown, Taylor County, Sauk County, and Waushara County. However, the contract amounts have steadily decreased. In FY09, only the City of Menasha and the City of Milwaukee have contracts for decreased dollar amounts. The asbestos program is supplemented by the equivalent of 2.0 federally-funded FTE. These two positions worth of asbestos work has been paid for by the US Environmental Protection Agency (EPA) federal 105 air grant. Due to shortfalls in the EPA federal 105 grant funds, additional asbestos fee revenue is needed to fund the two positions of work out of asbestos fees.

Request:

The Department requests: (1) to increase existing asbestos fees, (2) to create new asbestos fees, and (3) to transfer two currently federally-funded positions of work effort and spending authority of \$120,400 to funding from asbestos fees in FY11. The Department anticipates an increase of \$257,400 asbestos program revenue (PR) in FY11. The transfer of 2.0 federally-funded FTE will correctly align the total asbestos work effort with the funding of asbestos fees. With the increased revenue, the Department can maintain limited term employees to assist with asbestos inspections; maintain/increase contracts with local governments to conduct inspections as contractual representatives for the Department; continue funding WI Department of Justice assistance with enforcement court cases; and additional programming to the web-based, automated notification system for electronic payment.

Existing Fees:

The Asbestos Program is funded with fees generated from notification of demolition and/or renovation and application for permit exemption notices. Currently, inspection fees range from \$75 for a demolition with less than 160 sq ft / 260 lineal (ln) ft, defined as small, of regulated asbestos containing materials to \$175 for demolition or renovation projects involving greater than 160 sq ft or 260 ln ft but less than 1000 combined feet (square and linear feet), defined as

medium. The \$275 fee is generated from abatement work greater than or equal to 1,000 combined ft but less than 5000 combined feet, defined as large. The \$675 fee is generated from abatement work greater than or equal to 5000 combined feet, defined as extra large. The fees were last increased effective on July 1, 2005. Permit exemption notices are currently \$50 for medium asbestos cases, and \$125 for projects larger than 1,000 combined feet. The current asbestos fees generate about \$330,000 revenue annually.

New Fees:

The request fees would change the current inspection fees to: \$135 for small; \$350 for medium; \$575 for large, and \$1,200 for extra large. The permit exemption fees would remain the same. A new \$100 fee is requested for notification revisions. The program currently receives an average of 560 revision notifications each year. No fees are currently collected for revisions but there is still administrative and field work needed to follow up on notification revisions. A new \$100 fee is also requested for community fire training burns. Fee increases could occur by April 2010 at the earliest with the normal rule development process, or at the latest, the start of FY11 on July 1, 2010. New fees are estimated to create \$587,400 in revenue annually, an increase of \$257,400 from current fees. See enclosed asbestos fee table.

This request also includes a new fee for owner or operators that did not file any required asbestos notification with the Department and need a notification for the demolition or renovation project. Fees for these "after the fact" asbestos notifications would be double the fees that would have been paid for the project if the notification was properly filed. This fee will help us with our enforcement efforts to insure that we receive proper notifications. In addition to paying the double fee for the "after the fact" notification, owners or operators could also receive a citation for not providing an asbestos notification to the Department.

Statutory Language Changes:

The request would require changes to existing statutes 285.69(3): (1) to increase the cap level, (2) to create the "after the fact" fee, and (3) to clearly indicate the notification revision fee is in addition to permit and inspection fees applicable for the revised project.

Spending Authority Adjustment:

The request would require the following adjustment of the spending authority in FY11:

\$ 81,000	Permanent Salary
\$ 0	LTE Salary
\$ 39,400	Fringe Benefits
\$ 0	Supplies and Services

Background

The federal Environmental Protection Agency delegates responsibility for asbestos inspections to the Department. Asbestos requirements were first in place in Wisconsin in July 1975. The Air Management Program assumed delegation of the EPA Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) in 1992. As part of the NESHAP delegation, Wisconsin Administrative Code, Chapter NR 447, parallels the Federal Asbestos NESHAP rule. The Department is responsible for ensuring compliance on all applicable demolition and renovation projects within the State of Wisconsin. In addition, the Department keeps track of all projects that are not regulated to assist with handling complaints. This information also helps the Department of Health Services (DHS) tracking of asbestos abatement projects insuring that trained and certified staffs are working on projects.

Asbestos is a known human carcinogen that has been the focus of school renovation work and media attention. Inspections must occur prior to renovation and demolition of public and commercial buildings to insure that all asbestos is properly removed. Without these inspections, the Department has typically found code violations that developed into further enforcement action. Based on EPA assessments, it is projected that asbestos work demands will continue at the current level for at least the next 15 years with work still needed until 2052. An asbestos ban prevented US manufacturers from making some building materials out of asbestos, but not all for a short period of time. Also, there was no requirement that prevented importing asbestos containing building materials. As a result, a new building that is built "asbestos free" today, but is subsequently remodeled tomorrow, could have new building materials containing asbestos installed.

Asbestos causes three major respiratory diseases: (1) asbestosis – scarring of lung tissue, (2) lung cancer – tumors in the respiratory system and (3) mesothelioma – tumor of the pleural lining that surrounds the lungs. All of the diseases develop long after the first exposure. The average latency period for these diseases ranges from 15 to 30 years. Asbestos disease can theoretically be caused by very little exposure to asbestos fibers, and the likelihood of being affected increases as exposure increases.

Currently, the Department is not able to inspect all notifications that have a top or high priority, including large industrial and commercial buildings that are going to be demolished or renovated. The Department receives over 2,400-3,400 asbestos notifications and over 1,600 new regulated notifications per every year and conducts up to 400 inspections of the notifications and complaints received per year. Not having an adequate field presence and the small amount of inspections conducted results in numerous regulated building projects not being discovered. Also, with the low number of inspections, inspectors are not able to follow up with field work to determine if contractor's regulated asbestos quantities and practices are correct and consistent with the Department filed notification. Contractors may not be properly notifying and paying correct fees in asbestos becomes regulated through their work.

A large number of complaints are for non-notification of projects. A large portion of the abatement industry is not following regulations properly. Citation authority, effective in October 2003, has helped somewhat with insuring that regulated projects have asbestos properly identified and a notification form for the project is sent to the Department prior to work commencing. Citation authority allows the Asbestos Program to work with Environmental Wardens to have the Wardens issue citations for violations that are important to the program but do not rise to the level of referral to the Wisconsin Department of Justice for further enforcement action.

Analysis of Need

Additional staff and funding are needed to effectively run the federally delegated Asbestos Program. The Asbestos Program has a combination of staff and contractors supported from permit exemption review and inspection fees. Funds allow for 2.0 FTE and now with two additional contracts with county and city health departments. Six contracts were supported in the past. Contractors supplement DNR staff inspection work. Historically, the total amount of FTE hours spent in the asbestos program ranged from 4.0 to 6.0 FTE positions.

Education efforts have been made to alert all Wisconsin municipal clerks, building inspectors and fire chiefs and fire departments of the asbestos requirements. Inspections prior to renovation or demolition are needed to insure that all asbestos is properly removed. Without these inspections, the Air Management Program has typically found code violations that developed into further enforcement action. A strong field presence and continued educational efforts are both needed to make the regulated community aware that problems exist with asbestos when buildings are renovated or demolished.

Fees generated will also help support further development of an online asbestos notification system to allow the regulated community to submit their asbestos notification forms and pay required fees electronically. This system will allow regulated owners and operators to use a web-based application to enter and submit notification information to the Asbestos Program. Additional fees collected will also be used to restore and potentially expand the city/county contractor work in areas of highest need or most populated areas or in rural areas that may not be close to DNR staff.

Asbestos abatement and demolition contractors who comply faithfully with the current rule are also constituents who have an interest in a level playing field ensuring everyone follows Ch. NR 447, Wis. Adm. Code. A weak WDNR field and enforcement presence penalizes the good contractors because of loss of work to contractors who under bid the same work for less money and then disregard the asbestos requirements.

Asbestos Fee Table:

Existing Fees					Proposed New Fees			
Permit Exemption Review Fee		Inspection Fee		Total Existing Fees	New Inspection Fee		New Total Fee	Expected Revenues
A		B		A + B	b		A + b	
		Small	\$75	\$75	Small	\$135	\$135	\$134,460
		<160 sq/ft, 260 ln/ft			< 160 sq/ft, 260 ln/ft			
≥ 160 sq/ft, 260 ln/ft and < 1,000 combined ft	\$50	Medium	\$175	\$225	Medium	\$350	\$400	\$148,400
		≥ 160 sq/ft, 260 ln/ft and < 1,000 combined ft			≥ 160 sq/ft, 260 ln/ft and < 1,000 combined ft			
≥ 1,000 combined ft	\$125	Large	\$275	\$400	Large	\$575	\$700	\$114,100
		≥ 1,000 combined ft and ≤ 5,000 Sq/Ft or Ln/Ft or combination			≥ 1,000 combined ft and ≤ 5,000 Sq/Ft or Ln/Ft or combination			
		Extra Large	\$625	\$750	Extra Large	\$1,200	\$1,325	\$119,250
		≥ 5,000 combined Sq/Ft or Ln/Ft			≥ 5,000 combined Sq/Ft or Ln/Ft			
					Notification Revision		\$100	\$56,000
					Residential Training Burns		\$100	\$15,200
					TOTAL REVENUE			\$587,410

Kite, Robin

From: Kite, Robin
Sent: Tuesday, December 16, 2008 11:34 AM
To: Miner, Andrew - DOA
Subject: Asbestos inspection fees draft (BB0259)

Andrew:

One of the items for this draft calls for fees for inspecting property proposed for community *residential* training burns. But the asbestos rules for the payment and collection of fees for inspections applies to *nonresidential* asbestos demolition and renovation projects. See s. 285.69 (3) (a), stats. So I don't think the statutes authorize fees for these residential inspections under current law. How would you like me to proceed?

Robin

Robin Kite, Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
1 East Main Street, Suite 200
Madison, WI 53703
(608) 266-7291

Kite, Robin

From: Miner, Andrew - DOA [Andrew.Miner@Wisconsin.gov]
Sent: Tuesday, January 06, 2009 3:24 PM
To: Kite, Robin
Subject: FW: Absestos: Statutory Language
Attachments: Asbestos Statutory Language.doc

Hi Robin,

I apologize – I got this response from DNR a while back but forgot to send it to you. If the changes they recommend seem to make sense, to you, please make them. Let me know if you have any other questions.

Thanks,
Andrew

From: Potter, Lance - DNR
Sent: Thursday, December 18, 2008 4:40 PM
To: Miner, Andrew - DOA
Cc: Polasek Jr, Joseph P - DNR
Subject: Absestos: Statutory Language

Andrew -

Here is the statutory language for asbestos that I just mentioned during the budget phone call. The suggestions are from Air and Legal Service to originally answer the questions from LFB - related to residential versus nonresidential - and also provide the flexibility of the funding cap.

Let me know if you want to discuss.

Thanks,
Lance

Asbestos Statutory Language
285.69

(3) ASBESTOS INSPECTION FEES. (a) The department may promulgate rules for the payment and collection of fees for inspecting nonresidential asbestos demolition and renovation projects regulated by the department and demolition structures through community fire department training burns. The fees under this subsection for an inspection plus the fee under sub. (1) (c) may not exceed ~~\$400~~ ~~\$1,000~~ if the combined square and linear footage of friable asbestos-containing material involved in the project is less than 5,000.

Deleted: 700

The fees under this subsection for an inspection plus the fee under sub. (1) (c) may not exceed ~~\$750~~ ~~\$1,500~~ if the combined square and linear footage of friable asbestos-containing material involved in the project is 5,000 or more. The fees collected under this subsection shall be credited to the appropriation under s. 20.370 (2) (bi) for the direct and indirect costs of conducting inspections of nonresidential asbestos demolition and renovation projects regulated by the department.

Deleted: 1,325

(b) In addition to the fees under par. (a), the department may charge the costs it incurs for laboratory testing for a nonresidential asbestos demolition and renovation project.

(c) In addition to the fees under par. (a), the department may charge a \$100 fee for revisions to previously ~~department received~~ notifications.

Deleted: approved

(d) In addition to the fees under par. (a), the department may charge a \$100 fee for costs it incurs for inspecting ~~structures proposed for community fire department training burns.~~

Deleted: property

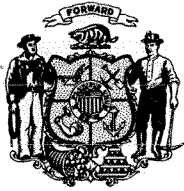
(e) In addition to the fees under par. (a), the department may double the ~~total fees for owners or operators that did not file the required asbestos notification with the Department and needs a notification for the demolition or renovation project.~~

Deleted: residential

Deleted: inspection

(~~e~~) (f) For the purpose of par. (a), combined square and linear footage shall be determined by adding the number of square feet of friable asbestos-containing material on areas other than pipes to the number of linear feet of friable asbestos-containing material on pipes.

Deleted: any



State of Wisconsin
2009 - 2010 LEGISLATURE

RM run
LRB-1118/4

RNK: kf

DOA:.....Miner, BB0259 - Asbestos inspection fee changes

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

AIR QUALITY

Current law authorizes DNR to promulgate rules for the payment of fees for inspecting nonresidential asbestos demolition and renovation projects. Under current law, the fees may not exceed \$400 for projects up to a specified size or, for larger projects, \$750. This bill increases the maximum fees to \$1,000 and \$1,500 respectively.

Current law also specifies that in addition to these inspection fees, DNR may charge the costs it incurs for laboratory testing for the project. This bill adds three more fees that DNR may charge. The bill authorizes DNR to charge: 1) a \$100 fee for reviewing a revised asbestos abatement notice; 2) a \$100 fee for inspecting property to be used for a community fire safety training project; and, 3) a fee, equal to the amount of the regular inspection fee, for inspecting property for a project for which the property owner failed to provide a required asbestos abatement notice to the department before the project was initiated.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 285.69 (3) (a) of the statutes is amended to read:

2 285.69 (3) (a) The department may promulgate rules for the payment and
3 collection of fees for inspecting nonresidential asbestos demolition and renovation
4 projects regulated by the department. The fees under this subsection for an
5 inspection plus the fee under sub. (1) (c) may not exceed ~~\$400~~ \$1,000 if the combined
6 square and linear footage of friable asbestos-containing material involved in the
7 project is less than 5,000. The fees under this subsection for an inspection plus the
8 fee under sub. (1) (c) may not exceed ~~\$750~~ \$1,500 if the combined square and linear
9 footage of friable asbestos-containing material involved in the project is 5,000 or
10 more. The fees collected under this subsection shall be credited to the appropriation
11 under s. 20.370 (2) (bi) for the direct and indirect costs of conducting inspections of
12 nonresidential asbestos demolition and renovation projects regulated by the
13 department and for inspecting property proposed to be used for a community fire
14 safety training project.

History: 1979 c. 34, 221; 1987 a. 27; 1989 a. 56; 1991 a. 39, 269; 1993 a. 16; 1995 a. 27; 1995 a. 227 ss. 495 to 499; Stats. 1995 s. 285.69; 1997 a. 27, 35; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25.

15 **SECTION 2.** 285.69 (3) (b) of the statutes is renumbered 285.69 (3) (b) (intro.)

16 and amended to read:

17 285.69 (3) (b) (intro.) In addition to the fees under par. (a), the department may charge
18 ~~the costs~~ all of the following:

19 1. The costs it incurs for laboratory testing for a nonresidential asbestos
20 demolition and renovation project.

History: 1979 c. 34, 221; 1987 a. 27; 1989 a. 56; 1991 a. 39, 269; 1993 a. 16; 1995 a. 27; 1995 a. 227 ss. 495 to 499; Stats. 1995 s. 285.69; 1997 a. 27, 35; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25.

21 **SECTION 3.** 285.69 (3) (b) 2. of the statutes is created to read:

285.69 (3) (b) 2. A fee in the amount of \$100 for the department to inspect property proposed to be used for a community fire safety training project for which the department requires inspection.

SECTION 4. 285.69 (3) (b) 3. of the statutes is created to read:

285.69 (3) (b) 3. A fee in the amount of \$100 for the department to review a revised notice of an asbestos renovation or demolition activity, submitted by a person required by the department to provide such notice.

SECTION 5. 285.69 (3) (b) 4. of the statutes is created to read:

285.69 (3) (b) 4. An amount equal to the inspection fee under par. (a) to inspect property for a project for which a notice of an asbestos renovation or demolition activity was not provided, as required by the department, before the project was initiated.

(END)

Kite, Robin

From: Miner, Andrew - DOA [Andrew.Miner@Wisconsin.gov]
Sent: Tuesday, January 20, 2009 9:59 AM
To: Kite, Robin
Subject: RE: LRB Draft: 09-1118/1 Asbestos inspection fee changes

Hi Robin,

Yes, the amounts should be changed to \$700 and \$1,325. Thanks for pointing out that the draft already doubles the charge for someone not providing the application; that part should be fine then. Thanks,
Andrew

From: Kite, Robin [mailto:Robin.Kite@legis.wisconsin.gov]
Sent: Tuesday, January 20, 2009 9:38 AM
To: Miner, Andrew - DOA
Subject: FW: LRB Draft: 09-1118/1 Asbestos inspection fee changes

Andrew:

I do not understand your redraft instructions. The fees in the draft (see p. 2) are \$1,000 (see line 5) and 1,500 (see line 8). I don't understand your reference to a fee of \$700. Am I supposed to change the \$1,000 amount to \$700 and the \$1,500 amount to \$1,325? Also, please note that the draft already doubles the charge for a person not providing an application (see p. 3, lines 4 to 8). That provision requires an amount equal to the inspection fee, as an **additional** amount to the regular fee.

Thanks.

Robin

From: Tradewell, Becky
Sent: Tuesday, January 20, 2009 8:20 AM
To: Miner, Andrew - DOA
Cc: Kite, Robin
Subject: RE: LRB Draft: 09-1118/1 Asbestos inspection fee changes

Andrew,

I am forwarding this to Robin Kite, who is the drafter.

Becky

From: Miner, Andrew - DOA [mailto:Andrew.Miner@Wisconsin.gov]
Sent: Monday, January 19, 2009 4:59 PM
To: Tradewell, Becky
Subject: FW: LRB Draft: 09-1118/1 Asbestos inspection fee changes

Becky,

Below are a couple small changes to make to draft 1118 to reflect what was approved by the Governor (amounts of \$700 and \$1,325 instead of \$750 and \$1500, and charging double for a person not providing an application). Let me know if you have any questions or concerns. Thanks,
Andrew

01/20/2009

From: Potter, Lance - DNR
Sent: Friday, January 16, 2009 9:09 AM
To: Miner, Andrew - DOA
Subject: RE: LRB Draft: 09-1118/1 Asbestos inspection fee changes

Hello Andrew -

Two things on the asbestos language, discussed with Air and Legal Services:

- 1.) The amounts are the higher amounts - should be \$700 and \$1,325. As a reminder, when you and I talked, this is not what the Governor was briefed on.
- 2.) Expanding the language to charge double for a person not providing an application - in draft 285.69 3 (b) 4 suggested change:

285.69 (3) (b) 4. An amount (DELETE: equal to) up to double the inspection fee under par. (a) (DELETE: to inspect property) for a project for which a notice of an asbestos renovation or demolition activity was not provided, as required by the department. (DELETE: before the project was initiated.)

Let me know if you have questions.

Thanks,

Lance

From: Miner, Andrew - DOA
Sent: Wednesday, January 07, 2009 4:20 PM
To: Potter, Lance - DNR
Subject: FW: LRB Draft: 09-1118/1 Asbestos inspection fee changes

Hi Lance,
 Here is an asbestos draft for you to review. Please let me know if you have any concerns. Thanks,
 Andrew

From: Schlueter, Ron [mailto:Ron.Schlueter@legis.wisconsin.gov]
Sent: Wednesday, January 07, 2009 4:16 PM
To: Miner, Andrew - DOA
Cc: Steinmetz, Jana D - DOA; Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA
Subject: LRB Draft: 09-1118/1 Asbestos inspection fee changes

Following is the PDF version of draft 09-1118/1.



State of Wisconsin
2009 - 2010 LEGISLATURE

RM min
2
LRB-1118/4

RNK:kjfrs

DOA:.....Miner, BB0259 - Asbestos inspection fee changes

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

AIR QUALITY

Current law authorizes DNR to promulgate rules for the payment of fees for inspecting nonresidential asbestos demolition and renovation projects. Under current law, the fees may not exceed \$400 for projects up to a specified size or, for larger projects, \$750. This bill increases the maximum fees to \$1,000 and \$1,500 respectively. \$700
\$1,325

Current law also specifies that in addition to these inspection fees, DNR may charge the costs it incurs for laboratory testing for the project. This bill adds three more fees that DNR may charge. The bill authorizes DNR to charge: 1) a \$100 fee for reviewing a revised asbestos abatement notice; 2) a \$100 fee for inspecting property to be used for a community fire safety training project; and 3) a fee, equal to the amount of the regular inspection fee, for inspecting property for a project for which the property owner failed to provide a required asbestos abatement notice to DNR before the project was initiated.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 285.69 (3) (a) of the statutes is amended to read:

2 285.69 (3) (a) The department may promulgate rules for the payment and
3 collection of fees for inspecting nonresidential asbestos demolition and renovation
4 projects regulated by the department. The fees under this subsection for an
5 inspection plus the fee under sub. (1) (c) may not exceed \$400 ^{\$ 750} ~~\$1,000~~ if the combined
6 square and linear footage of friable asbestos-containing material involved in the
7 project is less than 5,000. The fees under this subsection for an inspection plus the
8 fee under sub. (1) (c) may not exceed \$750 ^{\$1,325} ~~\$1,500~~ if the combined square and linear
9 footage of friable asbestos-containing material involved in the project is 5,000 or
10 more. The fees collected under this subsection shall be credited to the appropriation
11 under s. 20.370 (2) (bi) for the direct and indirect costs of conducting inspections of
12 nonresidential asbestos demolition and renovation projects regulated by the
13 department and for inspecting property proposed to be used for a community fire
14 safety training project.

15 **SECTION 2.** 285.69 (3) (b) of the statutes is renumbered 285.69 (3) (b) (intro.)
16 and amended to read:

17 285.69 (3) (b) (intro.) In addition to the fees under par. (a), the department may
18 charge the costs all of the following:

19 1. The costs it incurs for laboratory testing for a nonresidential asbestos
20 demolition and renovation project.

21 **SECTION 3.** 285.69 (3) (b) 2. of the statutes is created to read:

22 285.69 (3) (b) 2. A fee in the amount of \$100 for the department to inspect
23 property proposed to be used for a community fire safety training project for which
24 the department requires inspection.

25 **SECTION 4.** 285.69 (3) (b) 3. of the statutes is created to read:

285.69 (3) (b) 3. A fee in the amount of \$100 for the department to review a revised notice of an asbestos renovation or demolition activity, submitted by a person required by the department to provide such notice.

SECTION 5. 285.69 (3) (b) 4. of the statutes is created to read:

285.69 **(3)** (b) 4. An amount equal to the inspection fee under par. (a) to inspect property for a project for which a notice of an asbestos renovation or demolition activity was not provided, as required by the department, before the project was initiated.

(END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1118/2

RNK:kjf:rs

DOA:.....Miner, BB0259 – Asbestos inspection fee changes

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

AIR QUALITY

Current law authorizes DNR to promulgate rules for the payment of fees for inspecting nonresidential asbestos demolition and renovation projects. Under current law, the fees may not exceed \$400 for projects up to a specified size or, for larger projects, \$750. This bill increases the maximum fees to \$700 and \$1,325 respectively.

Current law also specifies that in addition to these inspection fees, DNR may charge the costs it incurs for laboratory testing for the project. This bill adds three more fees that DNR may charge. The bill authorizes DNR to charge: 1) a \$100 fee for reviewing a revised asbestos abatement notice; 2) a \$100 fee for inspecting property to be used for a community fire safety training project; and 3) a fee, equal to the amount of the regular inspection fee, for inspecting property for a project for which the property owner failed to provide a required asbestos abatement notice to DNR before the project was initiated.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 285.69 (3) (a) of the statutes is amended to read:

2 285.69 (3) (a) The department may promulgate rules for the payment and
3 collection of fees for inspecting nonresidential asbestos demolition and renovation
4 projects regulated by the department. The fees under this subsection for an
5 inspection plus the fee under sub. (1) (c) may not exceed \$400 \$700 if the combined
6 square and linear footage of friable asbestos-containing material involved in the
7 project is less than 5,000. The fees under this subsection for an inspection plus the
8 fee under sub. (1) (c) may not exceed \$750 \$1,325 if the combined square and linear
9 footage of friable asbestos-containing material involved in the project is 5,000 or
10 more. The fees collected under this subsection shall be credited to the appropriation
11 under s. 20.370 (2) (bi) for the direct and indirect costs of conducting inspections of
12 nonresidential asbestos demolition and renovation projects regulated by the
13 department and for inspecting property proposed to be used for a community fire
14 safety training project.

15 **SECTION 2.** 285.69 (3) (b) of the statutes is renumbered 285.69 (3) (b) (intro.)
16 and amended to read:

17 285.69 (3) (b) (intro.) In addition to the fees under par. (a), the department may
18 charge ~~the costs~~ all of the following:

19 1. The costs it incurs for laboratory testing for a nonresidential asbestos
20 demolition and renovation project.

21 **SECTION 3.** 285.69 (3) (b) 2. of the statutes is created to read:

22 285.69 (3) (b) 2. A fee in the amount of \$100 for the department to inspect
23 property proposed to be used for a community fire safety training project for which
24 the department requires inspection.

25 **SECTION 4.** 285.69 (3) (b) 3. of the statutes is created to read:

285.69 (3) (b) 3. A fee in the amount of \$100 for the department to review a revised notice of an asbestos renovation or demolition activity, submitted by a person required by the department to provide such notice.

SECTION 5. 285.69 (3) (b) 4. of the statutes is created to read:

285.69 (3) (b) 4. An amount equal to the inspection fee under par. (a) to inspect property for a project for which a notice of an asbestos renovation or demolition activity was not provided, as required by the department, before the project was initiated.

(END)